

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CAROLINE S. ALLEN,

v.

ORDER
06-CV-673

QUALITY HOTEL,

Defendant.

This case was referred to Magistrate Judge Leslie G. Foschio, pursuant to 28 U.S.C. § 636(b)(1)(A), on November 9, 2007. On December 7, 2007, plaintiff filed a motion for a default judgment and on December 14, 2007, defendant filed a motion to set aside the notice of entry of default entered October 10, 2007.

On January 3, 2008, Magistrate Judge Foschio filed a Decision and Order, granting defendant's motion to set aside the notice of entry of default and denying plaintiff's motion for default judgment. Plaintiff filed objections to the Magistrate Judge's Decision and Order on January 10, 2008.

Pursuant to 28 U.S.C. § 636(b)(1)(A), the district court "may reconsider any pretrial matter under this [section] where it has been shown that the magistrate's order is clearly erroneous or contrary to law." The Court has reviewed plaintiff's objections and Magistrate Judge

Foschio's Decision and Order. Upon such review and after hearing argument from counsel, the Court finds that Magistrate Judge Foschio's Decision and Order is neither clearly erroneous nor contrary to law.

Accordingly, the Court affirms the Decision and Order. This case is referred back to Magistrate Judge Foschio for further proceedings.

SO ORDERED.

s/ Richard J. Arcara
HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: January 14, 2008